

REMARKS

Applicants hereby add claims 79 and 80. Therefore, claims 50 through 80 are presently before the Examiner for consideration. Entry of the Amendment is respectfully considered.

Below, Applicants explain the relationship of new claims 79 and 80 to a presently pending request for interference filed in this case. Applicants also identify a number of substantive and typographical/editorial errors in the originally filed request for interference and provide corrected text in the Appendices attached to this amendment.

New Claims 79 and 80 and the Pending Request for Interference

Background Regarding the Pending Claims and Request For Interference

In a Preliminary Amendment dated March 26, 2004, Applicants added claims 50 through 78. Applicants' claims 50 through 58 are identical to claims 1 through 9, respectively, of U.S. Patent No. 6,649,348 to Bass *et al.* ("Bass '348"), which issued on November 18, 2003. Applicants' claims 59 through 65 are identical to Bass '348 claims 12 through 18, respectively. Applicants' claims 66 through 72 are identical to Bass '348 claims 20, 23, 24, 25, 26, 27 and 29, respectively. Applicants' claims 73 through 75 are similar to Bass '348 claim 1 and Applicant's claim 50. Applicant's claims 76 through 78 were added to further describe the methods of Applicants' claims 73 through 75.

Concurrently filed with the Preliminary Amendment dated March 26, 2004, Applicants filed a Request for Declaration of Interference with a Patent under 37 CFR §1.607 ("the Request"). In the Request, Applicants requested an interference between the present application and the Bass '348 patent.

In response to an Office Action mailed May 13, 2005, in which claims 50-59 and 73-78 were allowed, but claims 60-72 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement, Applicants filed an Amendment and Record of

Interview on June 28, 2005. In this Amendment, Applicants amended the present specification to include incorporated subject matter from PCT Application No. 93/09668, which text supports the language of Applicant's claim 60 (specifically, "depositing droplets of monomer addition reagents on a surface of said support.") Applicants stated that on page 16, lines 27 through 30 in the present application, PCT Application No. 93/09668 contained disclosure regarding array synthesis, and clearly presented these terms in the present context for making arrays.

In an Office Communication mailed September 15, 2005, Examiner Riley stated that:

The incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

Applicant has not provided said statement. [Emphasis in original]

In response to the Office Communication mailed September 15, 2005, the undersigned concurrently submits herewith a Response to Office Action Mailed September 15, 2005 containing a statement under 37 C.F.R. § 1.57(f) that the material inserted into the specification at page 16, lines 29-30, in the Amendment filed June 28, 2005, is the material previously incorporated by reference and that the amendment contains no new matter.

New Claims 79 and 80

The present Amendment adds claims 79 and 80. Claims 79 and 80 are similar to Applicants' claims 50 and 60, respectively, and Bass '348 claims 1 and 13, respectively.

New claim 79 deletes “contacting a surface of said support with a fluid reagent for synthesizing said chemical compounds” and claim 80 deletes “depositing droplets of monomer addition reagents on a surface of said support.” In the context of the claimed subject matter, these claims were added to eliminate immaterial steps.

Support for newly added claims 79 and 80 can be found in Table B spanning pages 8 through 12 of the Preliminary Amendment dated March 26, 2004 for claims 50 and 60.

The Proposed Count Should Include Applicants' Claim 79

On page 3 of the Request, Applicants proposed a count for the requested interference. In view of the newly added claims, Applicants propose the following count for the requested interference:

Claim 1 of the '348 patent

or

Applicants' Claim 73 or 79

Attached hereto is Appendix A, which reproduces the section entitled “37 CFR § 1.607(a)(2) – Proposed Count” from the original Request, as well as the corrected version.

Accordingly, in view of the newly added claims, the claims of the parties that are believed to correspond to the proposed count are as follows:

Applicants (Goldberg <i>et al.</i>):	Claims 50-80
Bass <i>et al.</i> ('348 patent):	Claims 1-29

Attached hereto is Appendix B, which reproduces the section entitled “37 CFR § 1.607(a)(3) – Patent Claims Corresponding to the Proposed Count” from the original Request, as well as the corrected version.

Attached hereto is **Appendix C**, which reproduces the section entitled "37 CFR § 1.607(a)(4) – Application Claims Corresponding to the Proposed Count" from the original Request, as well as the corrected version.

Applicants Remain Entitled to the Benefit of Earlier Applications, As Described in the Request

The tables bridging pages 20 through 21 of the Request show a constructive reduction to practice of an embodiment within the scope of the count for Applicant's claims 50 and 73 in the present application. Applicants' claim 73 remains in the proposed count. Therefore, Applicants' claim to benefit of earlier filed applications as set forth in the Request is not altered by the addition of new claims or the new proposed count. Applicants should be designated Senior Party in the requested interference.

Attached hereto is **Appendix D**, which shows a constructive reduction to practice of an embodiment within the scope of the count for Applicants' claim 73 in benefit application 08/634,053 ("the '053 application"), filed on April 17, 1996.

Compliance with 37 C.F.R. § 41.200 et seq.

Applicants filed the pending Request under 37 C.F.R. § 1.607. Interference proceedings are now governed under 37 C.F.R. § 41.200 et seq. For the sake of completeness, Applicants note that the previously submitted Request fully complies with the current requirements under 37 C.F.R. § 41.202 for suggesting an interference.

The table below illustrates that each of the requirements under 37 C.F.R. § 41.202 is satisfied in the previously submitted request.

Requirements under 37 C.F.R. § 41.202	Section in Previously Filed Request
37 C.F.R. § 41.202 - Suggesting An Interference	37 C.F.R. § 1.607 - Request By Applicant For Interference With Patent [pages 2-3]
37 C.F.R. § 41.202(a)(1) - Identification of Patent	37 C.F.R. § 1.607(a)(1) - Identification Of Involved Patent [page 3]
37 C.F.R. §§ 41.202(a)(2), 41.202(a)(3) and 41.203(a) - Identification of Proposed Count(s)	37 C.F.R. § 1.607(a)(2) - Proposed Count [pages 3-4]
37 C.F.R. §§ 41.202(a)(2), 41.202(a)(3) and 41.203(a) - Interfering Subject Matter	37 C.F.R. § 1.601(n) - Claims Defining The Same Patentable Invention [pages 5-14]
37 C.F.R. §§ 41.202(a)(2) and 41.207(b)(2) - Claim Correspondence To The Proposed Count	37 C.F.R. § 1.607(a)(3) - Identification Of Patent Claim(s) Corresponding To The Proposed Count [page 4]
37 C.F.R. §§ 41.202(a)(2) and 41.207(b)(2) - Claim Correspondence To The Proposed Count	37 C.F.R. § 1.607(a)(4) - Identification of Application Claim(s) Corresponding To The Proposed Count [pages 4-5]
37 C.F.R. §§ 41.202(a)(4) & 41.202(d) - Applicant will Prevail on Priority	37 C.F.R. § 1.608(b) - Priority Showing [pages 21-22]
37 C.F.R. § 41.202(a)(5) - Written Description Chart	37 C.F.R. § 1.607(a)(5) - Applying the Terms Of Application Claims To The Disclosure [Preliminary Amendment dated March 26, 2004, pages 8-12]
37 C.F.R. § 41.202(a)(6) - Constructive Reduction to Practice Within The Scope of the Interfering Subject Matter	37 C.F.R. § 1.607(a)(6) [pages 20-21]

In reviewing the originally filed preliminary Amendment dated March 26, 2004, Applicants identified substantive and typographical/editorial errors which should be corrected, as reflected in **Appendices E through G** attached hereto.

Attached hereto is **Appendix E**, which reproduces Table A1 (reflecting the correlation of Applicants' claims 50 through 78 vis-à-vis the Bass '348 patent claims) from the Preliminary

Amendment dated March 26, 2004, and further includes Table A2 (reflecting the correlation of Applicants' claims 50 through 80 vis-à-vis the Bass '348 patent claims).

Attached hereto is **Appendix F**, which reproduces Table B1 (reflecting disclosure in Applicant's specification which support claims 50-78) from the Preliminary Amendment dated March 26, 2004, and further includes table B2 (reflecting Table B1 with corrected text to correct typographical/editorial errors).

Attached hereto is **Appendix G**, which reproduces text in the Preliminary Amendment dated March 26, 2004, as well as the corrected version.

Entry and consideration of the foregoing is respectfully requested.

Authorization is hereby provided to charge any fees which may be required, including any claim fees and/or fees necessary to maintain the pendency of this application, or credit any overpayment to Deposit Account 01-0431.

Respectfully submitted,
AFFYMETRIX, INC.

Date: Oct. 19, 2005

By: Philip McGarrigle
Philip McGarrigle
Reg. # 31,395

Affymetrix, Inc.
Legal Department
3380 Central Expressway
Santa Clara, CA 95051
(408) 731-5000 (phone)
(408) 481-4709 (fax)

Appendix A
Proposed Count

Request (p. 3): 37 CFR § 1.607(a)(2)	Amendment: 37 CFR §§ 41.202(a)(2), 41.202(a)(3) and 41.203(a)
Claim 1 of the '348 patent or Applicants' Claim 73	Claim 1 of the '348 patent or Applicants' Claim 73 or 79

BEST AVAILABLE COPY

USSN 10/722,032

Appendix A to Amendment And Supplement to Request For Interference

Appendix B**Patent Claims Corresponding to the Proposed Count**

Request (p. 4): 37 C.F.R. § 1.607(a)(3)	Amendment: 37 C.F.R. §§ 41.202(a)(2) and 207(b)(2)
<p>In accordance with 37 C.F.R. §1.607(a)(3), Applicants identify claims 1-29 of the '348 patent as corresponding to the proposed count. Claim 1 is expressly recited in the definition of the proposed count and claims 2-29 define the same patentable invention as the proposed count, as explained below.</p>	<p>In accordance with 37 C.F.R. §§ 41.202(a)(2) and 207(b)(2), '348 patent claim 1 is expressly recited in the definition of the proposed count and, therefore, is anticipated by the proposed count. The '348 claims 1-29 should be designated as corresponding to the proposed count because each claim would have been anticipated or rendered obvious over the proposed count, treating the proposed Count as prior art to these claims.</p>

USSN 10/722,032

Appendix B to Amendment And Supplement to Request For Interference

Appendix C**Application Claims Corresponding to the Proposed Count**

Request (p. 4): 37 C.F.R. § 1.607(a)(4)	Amendment: 37 C.F.R. §§ 41.202(a)(2) and 207(b)(2)
<p>In accordance with 37 C.F.R. §1.607(a)(4), Applicants identify Applicants' claims 50-78 as corresponding to the proposed count. Applicants' claim 73 is expressly recited in the definition of the proposed count and Applicants' claims 50-78 define the same patentable invention as the proposed count, as explained below.</p>	<p>In accordance with 37 CFR §§ 37 C.F.R. § 41.202(a)(2) and 207(b)(2), Applicants' claims 73 or 79 are expressly recited in the definition of the proposed count and, therefore, are anticipated by the proposed Count. Applicants' claims 50-80 should be designated as corresponding to the proposed count because each claim would have been anticipated or rendered obvious over the proposed Count, treating the proposed Count as prior art to these claims.</p>

USSN 10/722,032

Appendix C to Amendment And Supplement to Request For Interference

Appendix D

**Constructive Reduction to Practice of an Embodiment Within
The Scope of the Proposed Count In
Application No. 08/634,053**

Applicants' Claim 73	Disclosure in U.S. Application No. 08/634,053
73. A method for synthesizing an array of chemical compounds on the surface of a support, said method comprising:	Page 2, lines 17-34; page 9, lines 7-22.
(a) contacting a surface of said support with a fluid reagent for synthesizing said chemical compounds,	Page 9, lines 27-29; Figs. 3B, 4A, 4B, 6A and 6B; page 27, line 27 to page 28, line 16.
(b) placing said support in a reaction chamber and subjecting said surface to one step of said synthesis and	Page 9, line 33 to page 10, line 4. Page 24, line 13 to page 29, line 13.
(c) placing said support in another reaction chamber and subjecting said surface to another step of said synthesis wherein (a)-(c) are repeated until said array of chemical compounds is synthesized on said surface and wherein each of said reaction chambers comprises a housing with a chamber and an inlet and an outlet for introduction and removal of fluids in the chamber in which the support is mounted wherein said support is selected from the group consisting of a strip, a plate or a flat glass.	Page 9, line 27 to page 10, line 4. Page 46, lines 4-30. Page 26, lines 28-30. Page 27, lines 13-21. Page 11, lines 14-35.

USSN 10/722,032

Appendix D to Amendment And Supplement to Request For Interference

Appendix E**Table A1: Correlation of Applicants' claims 50 through 78 vis-à-vis the Bass '348 patent claims (reproduced from the Preliminary Amendment dated March 26, 2004)**

Bass et al., U.S.P.No. 6,649,348	Applicants' Claims
1	50
2	51
3	52
4	53
5	54
6	55
7	56
8	57
9	58
12	59
13	60
14	61
15	62
16	63
17	64
18	65
20	66
23	67
24	68
25	69
26	70
27	71
29	72

Table A2: Correlation of Applicants' claims 50 through 80 vis-à-vis the Bass '348 patent claims

Bass et al., U.S.P.No. 6,649,348	Applicants' Claims
1	50
2	51
3	52
4	53
5	54
6	55
7	56
8	57
9	58
12	59
13	60
14	61
15	62
16	63
17	64
18	65
20	66
23	67
24	68
25	69
26	70
27	71
29	72
	73
	74
	75
	76
	77
	78
	79
	80

Appendix F

Table B1: Disclosure in Applicant's specification which support claims 50-78 from the Preliminary Amendment dated March 26, 2004

<u>Applicants' claims</u>	<u>Support in Applicants' present specification</u>
50. A method for synthesizing an array of chemical compounds on the surface of a support, said method comprising:	Page 2, lines 17-34; page 9, lines 7-22.
(a) contacting a surface of said support with a fluid reagent for synthesizing said chemical compounds,	Page 9, lines 27-29; Figs. 3B, 4A, 4B, 6A and 6B; page 27, line 27 to page 28, line 16.
(b) mounting said support in a chamber of a flow cell and subjecting said surface to one step of said synthesis and	Page 9, line 33 to page 10, line 4. Page 24, line 13 to page 29, line 13.
(c) mounting said support in a chamber of another flow cell and subjecting said surface to another step of said synthesis wherein (a)-(c) are repeated until said array of chemical compounds is synthesized on said surface and wherein each of said flow cells comprises a housing with a chamber and an inlet and an outlet for introduction and removal of fluids in the chamber in which the support is mounted wherein said support is selected from the group consisting of a strip, a plate or a flat glass.	Page 9, line 27 to page 10, line 4. Page 46, line 4- 30. Page 26, line 28-30. Page 27, lines 13-21. Page 11, lines 14-35.
51. A method according to claim 50 further comprising mounting said support after step (c) of said synthesis into a chamber of another flow cell and subjecting said surface to another step of said synthesis.	Page 9, line 33 to page 10, line 4; page 46, lines 6-31.
52. A method according to claim 50 wherein said synthesis comprises "n" number of steps including (b) and (C) and said method comprises independently mounting a support into a chamber of one of "n" number of flow cells and subjecting said surface to a different step of said synthesis in each of said flow cells.	Throughout and see [USPNo.] <u>U.S. Patent No. 5,143,854</u> , which is incorporated by reference at page 16, line 26.

<u>Applicants' claims</u>	<u>Support in Applicants' present specification</u>
53. A method according to claim 50 wherein reagents for step (b) of said synthesis are in fluid communication with said flow cell of step (b) and reagents for step (c) of said synthesis are in fluid communication with said flow cell of step (C) and wherein the fluid communication of the flow cell of step (b) is separate from the fluid communication of the flow cell of step (c).	Page 4, lines 3-23.
54. A method according to claim 50 wherein at least one of said steps of said synthesis comprises washing said surface.	Page 25, line 18, page 27, line 3, and page 38, lines 32-37.
55. A method according to claim 50 wherein said chemical compounds are polymers.	Page 6, line 15 to page 7, line 26.
56. A method according to claim 55 wherein said polymers are biopolymers.	Page 6, line 15 to page 7, line 26.
57. A method according to claim 50 wherein said flow cells comprise a holder for said support.	Page 46, line 34 to page 47, line 4.
58. A method according to claim 50 wherein said flow cells comprise at least one inlet and an outlet.	Page 26, lines 28 to 36, and page 27, lines 13-21.
59. A method according to claim 58 wherein a wash solution and a reagent for said synthesis are independently directed to said inlet.	Page 25, line 18, [page 27, line 3, and page 38], page 27, line 3 and page 38, lines 32-37. Fig. 6B.
60. A method for synthesizing an array of biopolymers on the surface of a support wherein said synthesis comprises a plurality of monomer additions, said method comprising:	Page 2, lines 17-34; [page 9 7-22] page 9, lines 7-22.
(a) depositing droplets of monomer addition reagents on a surface of said support,	Page 16, 29-30 for depositing droplets. See also, page 9, lines 27-29; Figs. 3B, 4A, 4B, 6A and 6B; page 27, line 27 to page 28, line 16.
(b) placing said support into a chamber of a flow cell and subjecting said surface to a step of said synthesis that is subsequent to a monomer addition and	Page 9, line 33 to page 10, line 4. Page 24, line 13 to page 29, line 13.
(c) placing said support into a chamber of another flow cell and subjecting said surface to another step of said synthesis that is subsequent to step (b) wherein said steps are repeated until said array of biopolymers is synthesized on said	Page 9, line 27 to page 10, line 4. Page 46, line 4- 30.

<u>Applicants' claims</u>	<u>Support in Applicants' present specification</u>
surface and wherein each of said flow cells comprises a housing with a chamber and an inlet and an outlet for introduction and removal of fluids in the chamber in which the support is placed and wherein said flow cell of (b) is dedicated to said step (b) and said flow cell of (c) is dedicated to step (c).	Page 26, lines 28-30. Page 27, lines 13-21.
61. A method according to claim [62] 60 wherein one of said steps (b) and (c) comprises a wash.	Page 25, line 18, page 27, line 3, and page 38, lines 32-37.
62. A method according to claim 60 wherein said biopolymers are polynucleotides.	Page 6, line 23, lines 32-38.
63. A method according to claim 60 wherein step (b) comprises subjecting said surface to an oxidizing agent.	Page 38, lines 2-31.
64. A method according to claim 60 wherein step (c) comprises subjecting said surface to an agent for removing a protecting group.	Page 38, lines 2-31
65. A method according to claim 60 wherein said flow cells comprise at least one inlet and an outlet and a holder for said support.	Page 46, line 34 to page 47, line 4. Page 26, lines 28 to 36, and page 27, lines 13-21.
66. A method according to claim [67] 60 wherein a wash solution and a reagent for said synthesis are independently directed to said inlet.	See Figure 6A, Page 25, lines 5-22.
67. A method according to claim 60 wherein said biopolymers are peptides.	Page 6, line 21.
68. A method according to claim 60 wherein said biopolymers are synthesized on said surface in multiple arrays and said support is subsequently diced into individual arrays of biopolymers on a support.	Page 49, lines 13-15, page 49, line 37 to page 50, line 23.
69. A method according to claim 60 wherein reagents for said first step of said synthesis are in separate fluid communication with said first flow cell and reagents for said second step of said synthesis are in separate fluid communication with said second flow cell.	Figure 3A & 3B, [of 14 line 63] page 14, line 63.
70. A method according to claim 60 further comprising exposing the array to a sample and reading the array.	See page 53, line 30 to page 55, line 11. See page 54, line[s] 35 to page 55, line 4 for detection.
71. A method according to claim [71] 70	See page 53, line 30 to page 55, line

<u>Applicants' claims</u>	<u>Support in Applicants' present specification</u>
comprising forwarding data comprising a result obtained from a reading of the array.	11. See page 54, line[s] 35 to page 55, line 4 for detection.
72. A method according to claim [71] 70 comprising receiving data comprising a result of an interrogation obtained by the reading of the array.	See page 53, line 30 to page 55, line 11. See page 54, line[s] 35 to page 55, line 4 for detection.
73. A method for synthesizing an array of chemical compounds on the surface of a support, said method comprising:	Page 2, lines 17-34; page 9, lines 7-22.
(a) contacting a surface of said support with a fluid reagent for synthesizing said chemical compounds,	Page 9, lines 27-29; Figs. 3B, 4A, 4B, 6A and 6B; page 27, line 27 to page 28, line 16.
(b) placing said support in a reaction chamber and subjecting said surface to one step of said synthesis and	Page 9, line 27 to page 10, line 4. Page 24, line 13 to page 29, line 13.
(c) placing said support in another reaction chamber and subjected said surface to another step of said [surface to another step of said] synthesis wherein (a)-(c) are repeated until said array of chemical compounds is synthesized on said surface and wherein each of said reaction chambers comprises an inlet and an outlet for introduction and removal of fluids in the chamber in which the support is placed wherein said support is selected from the group consisting of a strip, a plate or a flat glass.	Page 9, line 27 to page 10, line 4. Page 46, lines 4-30. Page 26, lines 28-30. Page 27, lines 13-21. Page 11, lines 14-35.
74. A method for synthesizing an array of chemical compounds on the surface of a support, said method comprising:	Page 2, lines 17-34; page 9, lines 7-22.
(a) contacting a surface of said support with a fluid reagent for synthesizing said chemical compounds,	Page 9, lines 27-29; Figs. 3B, 4A, 4B, 6A and 6B; page 27, line 27 to page 28, line 16.
(b) [mounting] immersing said support in a chamber [of a flow cell] containing a monomer solution and subjecting said surface to one step of said synthesis and	Page 9, line 27 to page 10, line 4. Page 24, line 13 to page 29, line 13.
(c) [mounting] immersing said support in [a] another chamber [of another flow cell] containing a monomer solution and subjecting said surface to another step of said synthesis wherein (a)-(c) are repeated until said array of chemical compounds is synthesized on said	Page 9, line 27 to page 10, line 4. Page 46, lines 4-30. Page 26, lines 28-30.

<u>Applicants' claims</u>	<u>Support in Applicants' present specification</u>
surface and wherein each of said [flow cells] <u>chambers</u> comprises [a housing with a chamber and] an inlet and an outlet for introduction and removal of fluids in the chamber in which the support is [mounted] <u>immersed</u> wherein said support is selected from the group consisting of a strip, a plate or a flat glass.	Page 27, lines 13-21. Page 11, lines 14-35.
75. The method for synthesizing an array of chemical compounds on the surface of a support, said method comprising:	Page 2, lines 17-34; page 9, lines 7-22.
(a) contacting a surface of said support with a fluid reagent for synthesizing said chemical compounds,	Page 9, lines 27-29; Figs. 3B, 4A, 4B, 6A, and 6B; page 27, line 27 to page 28, line 16.
(b) mounting said support in a chamber of a flow cell and subjecting said surface to one step of said synthesis and	Page 9, line 33 to page 10, line 4. Page 24, line 13 to page 29, line 13.
(c) mounting said support in a chamber of <u>the same or</u> another flow cell and subjecting said surface to another step of said synthesis wherein (a)-(c) are repeated until said array of chemical compounds is synthesized on said surface and wherein each of said flow cells comprises a housing with a chamber and an inlet and an outlet for introduction and removal of fluids in the chamber in which the support is mounted wherein said support is selected from the group consisting of a strip, a plate or a flat glass.	Page 9, line 27 to page 10, line 4. Page 46, lines 4-30. Page 26, lines 28-30. Page 27, lines 13-21. Page 11, lines 14-35.
76. The method of claim 73 further comprising modifying said chambers to perform multiple independent steps of said synthesis.	Page 46, lines 4-32.
77. The method of claim 74 further comprising modifying said chambers to perform multiple independent steps of said synthesis.	Page 46, lines 4-32.
78. The method of claim 75 further comprising modifying said chambers to perform multiple independent steps of said synthesis.	Page 46, lines 4-32.

Table B2: Table B1 with corrected text to correct typographical/editorial errors

<u>Applicants' claims</u>	<u>Support in Applicants' present specification</u>
50. A method for synthesizing an array of chemical compounds on the surface of a support, said method comprising:	Page 2, lines 17-34; page 9, lines 7-22.
(a) contacting a surface of said support with a fluid reagent for synthesizing said chemical compounds,	Page 9, lines 27-29; Figs. 3B, 4A, 4B, 6A and 6B; page 27, line 27 to page 28, line 16.
(b) mounting said support in a chamber of a flow cell and subjecting said surface to one step of said synthesis and	Page 9, line 33 to page 10, line 4. Page 24, line 13 to page 29, line 13.
(c) mounting said support in a chamber of another flow cell and subjecting said surface to another step of said synthesis wherein (a)-(c) are repeated until said array of chemical compounds is synthesized on said surface and wherein each of said flow cells comprises a housing with a chamber and an inlet and an outlet for introduction and removal of fluids in the chamber in which the support is mounted wherein said support is selected from the group consisting of a strip, a plate or a flat glass.	Page 9, line 27 to page 10, line 4. Page 46, line 4- 30. Page 26, line 28-30. Page 27, lines 13-21. Page 11, lines 14-35.
51. A method according to claim 50 further comprising mounting said support after step (c) of said synthesis into a chamber of another flow cell and subjecting said surface to another step of said synthesis.	Page 9, line 33 to page 10, line 4; page 46, lines 6-31.
52. A method according to claim 50 wherein said synthesis comprises "n" number of steps including (b) and (C) and said method comprises independently mounting a support into a chamber of one of "n" number of flow cells and subjecting said surface to a different step of said synthesis in each of said flow cells.	Throughout and see U.S. Patent No. 5,143,854, which is incorporated by reference at page 16, line 26.
53. A method according to claim 50 wherein reagents for step (b) of said synthesis are in fluid communication with said flow cell of step (b) and reagents for step (c) of said synthesis	Page 4, lines 3-23.

<u>Applicants' claims</u>	<u>Support in Applicants' present specification</u>
are in fluid communication with said flow cell of step (C) and wherein the fluid communication of the flow cell of step (b) is separate from the fluid communication of the flow cell of step (c).	
54. A method according to claim 50 wherein at least one of said steps of said synthesis comprises washing said surface.	Page 25, line 18, page 27, line 3, and page 38, lines 32-37.
55. A method according to claim 50 wherein said chemical compounds are polymers.	Page 6, line 15 to page 7, line 26.
56. A method according to claim 55 wherein said polymers are biopolymers.	Page 6, line 15 to page 7, line 26.
57. A method according to claim 50 wherein said flow cells comprise a holder for said support.	Page 46, line 34 to page 47, line 4.
58. A method according to claim 50 wherein said flow cells comprise at least one inlet and an outlet.	Page 26, lines 28 to 36, and page 27, lines 13-21.
59. A method according to claim 58 wherein a wash solution and a reagent for said synthesis are independently directed to said inlet.	Page 25, line 18, page 27, line 3 and page 38, lines 32-37. Fig. 6B.
60. A method for synthesizing an array of biopolymers on the surface of a support wherein said synthesis comprises a plurality of monomer additions, said method comprising:	Page 2, lines 17-34; page 9, lines 7-22.
(a) depositing droplets of monomer addition reagents on a surface of said support,	Page 16, 29-30 for depositing droplets. See also, page 9, lines 27-29; Figs. 3B, 4A, 4B, 6A and 6B; page 27, line 27 to page 28, line 16.
(b) placing said support into a chamber of a flow cell and subjecting said surface to a step of said synthesis that is subsequent to a monomer addition and	Page 9, line 33 to page 10, line 4. Page 24, line 13 to page 29, line 13.
(c) placing said support into a chamber of another flow cell and subjecting said surface to another step of said synthesis that is subsequent to step (b) wherein said steps are repeated until said array of biopolymers is synthesized on said surface and wherein each of said flow cells comprises a housing with a chamber and an inlet and an outlet for introduction and removal of fluids in the chamber in which the support is	Page 9, line 27 to page 10, line 4. Page 46, line 4- 30. Page 26, lines 28-30.

<u>Applicants' claims</u>	<u>Support in Applicants' present specification</u>
placed and wherein said flow cell of (b) is dedicated to said step (b) and said flow cell of (c) is dedicated to step (c).	Page 27, lines 13-21.
61. A method according to claim 60 wherein one of said steps (b) and (c) comprises a wash.	Page 25, line 18, page 27, line 3, and page 38, lines 32-37.
62. A method according to claim 60 wherein said biopolymers are polynucleotides.	Page 6, line 23, lines 32-38.
63. A method according to claim 60 wherein step (b) comprises subjecting said surface to an oxidizing agent.	Page 38, lines 2-31.
64. A method according to claim 60 wherein step (c) comprises subjecting said surface to an agent for removing a protecting group.	Page 38, lines 2-31
65. A method according to claim 60 wherein said flow cells comprise at least one inlet and an outlet and a holder for said support.	Page 46, line 34 to page 47, line 4. Page 26, lines 28 to 36, and page 27, lines 13-21.
66. A method according to claim 60 wherein a wash solution and a reagent for said synthesis are independently directed to said inlet.	See Figure 6A, Page 25, lines 5-22.
67. A method according to claim 60 wherein said biopolymers are peptides.	Page 6, line 21.
68. A method according to claim 60 wherein said biopolymers are synthesized on said surface in multiple arrays and said support is subsequently diced into individual arrays of biopolymers on a support.	Page 49, lines 13-15, page 49, line 37 to page 50, line 23.
69. A method according to claim 60 wherein reagents for said first step of said synthesis are in separate fluid communication with said first flow cell and reagents for said second step of said synthesis are in separate fluid communication with said second flow cell.	Figure 3A & 3B, page 14, line 63.
70. A method according to claim 60 further comprising exposing the array to a sample and reading the array.	See page 53, line 30 to page 55, line 11. See page 54, line 35 to page 55, line 4 for detection.
71. A method according to claim 70 comprising forwarding data comprising a result obtained from a reading of the array.	See page 53, line 30 to page 55, line 11. See page 54, line 35 to page 55, line 4 for detection.
72. A method according to claim 70 comprising receiving data comprising a result of an interrogation obtained by the reading of the array.	See page 53, line 30 to page 55, line 11. See page 54, line 35 to page 55, line 4 for detection.

<u>Applicants' claims</u>	<u>Support in Applicants' present specification</u>
73. A method for synthesizing an array of chemical compounds on the surface of a support, said method comprising:	Page 2, lines 17-34; page 9, lines 7-22.
(a) contacting a surface of said support with a fluid reagent for synthesizing said chemical compounds,	Page 9, lines 27-29; Figs. 3B, 4A, 4B, 6A and 6B; page 27, line 27 to page 28, line 16.
(b) placing said support in a reaction chamber and subjecting said surface to one step of said synthesis and	Page 9, line 27 to page 10, line 4. Page 24, line 13 to page 29, line 13.
(c) placing said support in another reaction chamber and subjected said surface to another step of said [surface to another step of said] synthesis wherein (a)-(c) are repeated until said array of chemical compounds is synthesized on said surface and wherein each of said reaction chambers comprises an inlet and an outlet for introduction and removal of fluids in the chamber in which the support is placed wherein said support is selected from the group consisting of a strip, a plate or a flat glass.	Page 9, line 27 to page 10, line 4. Page 46, lines 4-30. Page 26, lines 28-30. Page 27, lines 13-21. Page 11, lines 14-35.
74. A method for synthesizing an array of chemical compounds on the surface of a support, said method comprising:	Page 2, lines 17-34; page 9, lines 7-22.
(a) contacting a surface of said support with a fluid reagent for synthesizing said chemical compounds,	Page 9, lines 27-29; Figs. 3B, 4A, 4B, 6A and 6B; page 27, line 27 to page 28, line 16.
(b) immersing said support in a chamber containing a monomer solution and subjecting said surface to one step of said synthesis and	Page 9, line 27 to page 10, line 4. Page 24, line 13 to page 29, line 13.
(c) immersing said support in another chamber containing a monomer solution and subjecting said surface to another step of said synthesis wherein (a)-(c) are repeated until said array of chemical compounds is synthesized on said surface and wherein each of said chambers comprises an inlet and an outlet for introduction and removal of fluids in the chamber in which the support is immersed wherein said support is selected from the group consisting of a strip, a plate or a flat glass.	Page 9, line 27 to page 10, line 4. Page 46, lines 4-30. Page 26, lines 28-30. Page 27, lines 13-21. Page 11, lines 14-35.
75. The method for synthesizing an array of chemical compounds on the surface of a	Page 2, lines 17-34; page 9, lines 7-22.

<u>Applicants' claims</u>	<u>Support in Applicants' present specification</u>
support, said method comprising:	
(a) contacting a surface of said support with a fluid reagent for synthesizing said chemical compounds,	Page 9, lines 27-29; Figs. 3B, 4A, 4B, 6A, and 6B; page 27, line 27 to page 28, line 16.
(b) mounting said support in a chamber of a flow cell and subjecting said surface to one step of said synthesis and	Page 9, line 33 to page 10, line 4. Page 24, line 13 to page 29, line 13.
(c) mounting said support in a chamber of the same or another flow cell and subjecting said surface to another step of said synthesis wherein (a)-(c) are repeated until said array of chemical compounds is synthesized on said surface and wherein each of said flow cells comprises a housing with a chamber and an inlet and an outlet for introduction and removal of fluids in the chamber in which the support is mounted wherein said support is selected from the group consisting of a strip, a plate or a flat glass.	Page 9, line 27 to page 10, line 4. Page 46, lines 4-30. Page 26, lines 28-30. Page 27, lines 13-21. Page 11, lines 14-35.
76. The method of claim 73 further comprising modifying said chambers to perform multiple independent steps of said synthesis.	Page 46, lines 4-32.
77. The method of claim 74 further comprising modifying said chambers to perform multiple independent steps of said synthesis.	Page 46, lines 4-32.
78. The method of claim 75 further comprising modifying said chambers to perform multiple independent steps of said synthesis.	Page 46, lines 4-32.

Appendix G

Text from the Preliminary Amendment dated March 26, 2004, and the Corrected Version

BEST AVAILABLE COPY

Preliminary Amendment Dated March 26, 2004	Amendment Clean Copy of Text
<p>Amendment (p. 7):</p> <p>Table A reflects the correlation of Applicants' claims vis-à-vis U.S. Patent No.'s 6,649,348. Applicants' claims 50-78 are identical to claims 1-29, respectively, of U.S. patent No. 6,649,348 to Bass et al., issued November 18, 2003. Applicants' claims 50 through 58 are identical to claims 1 through 9, respectively, of U.S. Patent No. 6,649,348 to Bass et al. ("Bass '348"), which issued on November 18, 2003. Applicants' claims 59 through 65 are identical to Bass '348 claims 12 through 18, respectively. Applicants' claims 66 through 72 are identical to Bass '348 claims 20, 23, 24, 25, 26, 27 and 29, respectively. Applicants' claims 73 through 75 are similar to Bass '348 claim 1 and Applicant's claim 50.</p>	<p>Table A reflects the correlation of Applicants' claims vis-à-vis U.S. Patent No.'s 6,649,348. Applicants' claims 50 through 58 are identical to claims 1 through 9, respectively, of U.S. Patent No. 6,649,348 to Bass <i>et al.</i> ("Bass '348"), which issued on November 18, 2003. Applicants' claims 59 through 65 are identical to Bass '348 claims 12 through 18, respectively. Applicants' claims 66 through 72 are identical to Bass '348 claims 20, 23, 24, 25, 26, 27 and 29, respectively. Applicants' claims 73 through 75 are similar to Bass '348 claim 1 and Applicant's claim 50.</p>
<p>Amendment (p. 8):</p> <p>Table B reflects disclosures in Applicants' specification which support <u>claims 50-72</u> and newly added claims 73-78. As reflected in Table B, the newly added claims present no new matter.</p>	<p>Table B reflects disclosures in Applicants' specification which support claims 50-72 and newly added claims 73-78. As reflected in Table B, the newly added claims present no new matter.</p>

USSN 10/722,032

Appendix G to Amendment And Supplement to Request For Interference

INTERFERENCE INITIAL MEMORANDUM

To the Board of Patent Appeals and Interferences:

An interference is proposed involving the following 2 parties

PARTY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Junior Party Bass et al.	09/896,572	06/29/2001	6,649,348	11/18/2003

If the involved is a patent, have its maintenance fees been paid? Yes ☐ No ☐ Not due yet ☒

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
USA	09/896,572	06/29/2001	6,649,348	11/18/2003

The claim(s) of this party corresponding to this count:
1-29

PATENTED OR PATENTABLE PENDING CLAIMS

Patented claims 1-29

UNPATENTABLE PENDING CLAIMS

N/A

The claim(s) of this party NOT corresponding to this count:
None

PARTY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Senior Party Goldberg et al.	10/722,032	11/25/2003	N/A	N/A

If the involved is a patent, have its maintenance fees been paid? Yes ☐ No ☐ Not due yet ☒

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
USA	10/722,032	11/25/2003	N/A	N/A
USA	09/716,507	11/20/2000	6,706,875	03/16/2004
USA	09/244,568	02/04/1999	6,307,042	10/23/2001
USA	08/634,053	04/17/1996	5,959,098	09/28/1999

The claim(s) of this party corresponding to this count:
50-80

PATENTED OR PATENTABLE PENDING CLAIMS

Patentable pending claims 50-80

UNPATENTABLE PENDING CLAIMS

None

The claim(s) of this party NOT corresponding to this count:
None

(Check off each step, if applicable) **INSTRUCTIONS**

- ☐ 1. Obtain all files listed above.
- ☐ 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970).
- ☐ 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b).
- ☐ 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)).
- ☐ 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center.

DATE	PRIMARY EXAMINER (signature)	ART UNIT	TELEPHONE NUMBER
DATE	INTERFERENCE PRACTICE SPECIALIST or TECHNOLOGY CENTER DIRECTOR (signature)		TELEPHONE NUMBER